

Charter Review Top Priority Issues

Submitted by King County Councilmember Kathy Lambert

BUDGET

1. **Issue:** The current budget transmittal timeline of 75 days before the end of the fiscal year does not give the Council enough time to review the budget before approval with a cushion to address any veto. (Section 410)
Proposal: Increase number of days for the Executive to present the budget before Council approval. Also, budget requests from all agencies should go to the Council at the same time as they go to the Executive to provide enough time and data for the Council to review agency needs.
2. **Issue:** Quarterly budget updates that allow regular corrections are not transmitted by the Executive to the Council in a timely manner, or not at all, because they are not required in the Charter. (Section 470)
Proposal: Require quarterly budget updates to be submitted within 20 days of the end of each quarter, and provide an enforcement mechanism.

PERSONNEL

3. **Issue:** The authority for removal of an employee is assigned solely to the Executive, and the Council has no ability to remove a problem employee. (Section 340.60)
Proposal: Consider adding a super majority vote of the Council for removal of an employee, and better define “malfeasance” and the process for addressing it.
4. **Issue:** Public versus private employment equity. Public salaries are based solely on comparison with other public sector salaries and not with competing salaries offered in the private sector, resulting in the county paying higher salaries than the market rate. (Section 540)
Proposal: In forming salary decisions, require comparison to private sector employment as well as to the government sector. Currently, comparisons are allowed only to other public sector jobs.
5. **Issue:** Separately elected officials such as the sheriff do not have control over labor negotiations, which prevents them from effectively managing department costs and budgets. (Section 510)
Proposal: Give separately elected officials authority over labor negotiations and labor contracts in their departments, and allow them the authority to negotiate within dollar limit and outlying year cost parameters established with the Executive.

COUNCIL

6. **Issue:** Council District offices are staffed and funded equally although the responsibilities for local government functions and the corresponding staff workloads vary according to how much of each district is unincorporated. Staffing levels should reflect the amount of local government services that need to be provided by each district. Some districts are very large and transportation takes more time than smaller districts. In addition, some districts have long distance calls to their citizens while others do not. (220.30)

Proposal: Provide for proportional staffing and funding to Council District offices that represent local government functions for unincorporated areas.

EXECUTIVE

7. **Issue:** Lack of access to information needed for policy discussions and legislation caused by the ban on the Council “interfering” with the administration. (220.50)
- Proposal:** Redefine “interference” so that it will allow the Council increased input and the ability to participate in staffing and performance report decisions, and to allow access to information from Executive and Budget staff, including “read-only” access to all budget accounts and side programs. This also will allow Executive staff to be more responsive to Council requests.

OTHER ISSUES

8. **Issue:** King County Library System Board of Commissioners is experiencing conflict with its employees and the public regarding management and financial issues. The commissioners are appointed by the Executive and confirmed by the Council. (Not in current charter)
- Proposal:** Incorporate KCLS into King County as a separate department, with the Board of Commissioners serving as a citizens’ oversight board, and with budget oversight by the Council, similar to City of Seattle library structure. To accomplish this would require research on state requirements.

UNINCORPORATED AREAS

9. **Issue:** Public dissatisfaction with the lack of a dedicated local services provider, such as the municipal structure of cities, for land use and other local government services and policies that affect only rural area residents. Unincorporated Area Councils do not represent all rural residents, and they have no decision-making authority. (Section 230.10.10)
- Proposal:** Establish a more responsive and equitable method for more direct representation of the county’s unincorporated area residents. Here are five suggested methods for accomplishing this:

- a. **Require the county to provide local services at a level that is at least equivalent to the median for surrounding cities. Those local government services should have priority for funding before considering other services.**
- b. **The Snoqualmie Valley Government Association is made up of the mayors of each of the cities and the County Councilmember representing that area. This body should be given authority for making all decisions that affect the surrounding rural areas in the Snoqualmie Valley. This would require changing the state law that requires county codes to supercede city regulations when contracting with local cities for government services. The city's codes should take precedence, to make it easier for the city to provide the service in closer proximity, and to assist in annexations in the proposed annexation areas.**
- c. **State law should be changed to require the growth management board to work with all unincorporated areas to become part of existing annexation areas or to incorporate their own cities for local government control, or to organize as townships.**
- d. **King County should require approval of more than 60 percent of the unincorporated area representatives to approve Council actions affecting the unincorporated area.**
- e. **The Councilmembers representing unincorporated areas should have direct authority over the departments providing local government services, similar to the mayor of a city.**

Charter Review Additional Issues

BUDGET

10. *Issue:* Only the Executive can originate budget legislation. (Section 410)
Proposal: Establish budget procedures similar to the state, giving authority to both the legislative and executive branches to initiate budget items, or modifying the reporting structure so that both the Executive and Legislative branches have access to data in the Office of Financial Management.
11. *Issue:* Budgets for capital projects do not include line items for mitigation expenses, which are shuttled around among other budget categories and are of concern to the county Auditor. (Section 430)
Proposal: Require capital project budgets to include mitigation costs as separate budget items.

12. *Issue:* Executive is able to pressure Council action on contract requests by automatically escalating the cost in the case of a delay on taking action, instead of basing the amount of a contract on actual costs. For instance, the amount of one contract increased by \$150,000 for every month the Council delayed action. (Section 460)

Proposal: Require contracts to be based on actual costs, and disallow escalator penalties. Require the Executive to inform the Council in writing of any proposed capital expenditure over \$200,000 at least three business days in advance, and to make a presentation to the Council for any proposed capital expenditure over \$1 million.

13. *Issue:* Councilmembers learn about the Executive's proposed budget from the media instead of from the Executive, and are not prepared to respond. (Section 410)

Proposal: Require the Executive to present the annual budget message to the Council before releasing it to the media.

14. *Issue:* The Council is required to adopt the annual budget at least 30 days before the end of the fiscal year, which does not leave enough time for the Council to consider other options if the Executive should veto all or part of the budget. (Section 410)

Proposal: Change 30 days to 40 days.

15. *Issue:* The Charter requires county agencies to submit information to the Executive needed for preparation of the budget, but does not provide for any agency information to be presented to the Council to use in determining the validity of the Executive's proposals. (Section 420)

Proposal: Require agencies to answer Councilmember questions regarding budget items in a timely manner, and any direction otherwise will be considered malfeasance. Agency proposals to the Executive should be presented to Council budget staff within 10 days of receipt, and Council budget staff should have read-only access to all budget documents for analysis and evaluation.

16. *Issue:* Inflation estimates are not consistent among different parts of the budget. (Section 430)

Proposal: Require the budget to use consistent inflation factors and show all assumptions.

17. *Issue:* Budget proposals do not include information about the debt ceiling and changes in reserves. (Section 430)

Proposal: Require the Executive to include debt ceiling and reserve figures in the budget proposal.

18. *Issue:* The Executive is required to provide copies of the budget for the public upon request, and it also has been posted on the county website on a voluntary basis. (Section 450)

- Proposal:* Require the Executive's budget message to be made available electronically to the public, in a format that allows citizens to do cross checks and analysis of data.
19. *Issue:* The Executive proposed budget does not list the council districts in which capital projects are located. (Section 430)
Proposal: List the districts affected by each capital project so the public knows where the project is located.
20. *Issue:* Only the Executive can propose amendments or additions to the Capital Improvement Program, which prevents the Council from considering its own capital priorities. (Section 470.30)
Proposal: Remove this provision and allow either the Executive or the Council to propose amendments and additions to the Capital Improvement Program.
21. *Issue:* The Executive can withhold appropriations that have been approved by the Council. (Section 475)
Proposal: Require the withholding of any appropriations or changes over a specific threshold (such as 10 or 20 percent) to be approved by the Council. Not complying with the expenditures authorized by the Council should be grounds for malfeasance.
22. *Issue:* Capital projects in the budget may not be abandoned unless recommended by the Executive. (Section 475)
Proposal: Allow the Council to approve abandonment of any capital project without an Executive recommendation.
23. *Issue:* Leases of up to one year are allowed without a capital budget appropriation, which is too long for the expense to continue without oversight. (Section 495)
Proposal: Reduce the maximum lease to three to six months, with the option of continuing the lease through a quarterly update of the capital budget.

UNINCORPORATED AREAS

24. *Issue:* Public dissatisfaction with Executive proposals for rural areas. The county is focusing on providing regional services and neglecting the local government duties. (Section 320.20)
Proposal: Require Executive to consult on rural issues with all Councilmembers in Districts that have at least 25 percent rural area. Clarify the primary role of the county as a local government provider to the unincorporated areas.

PERSONNEL

25. *Issue:* Labor contracts come to the Council with the terms already agreed upon, and the Council has no opportunity to participate in negotiations that may involve revisions to labor policy. (Section 520)
Proposal: Require Council review and participation in labor negotiations, including quarterly briefings on negotiations status and the budget impacts of maintaining 98 separate bargaining units.
26. *Issue:* The Executive is authorized to appoint the chief executive officer of every executive department without consulting any other official, which leaves open the opportunity for making political appointments. (section 340.10)
Proposal: Allow the Council to request a public hearing before hiring any department head if a majority of the councilmembers has concerns about the appointment.
27. *Issue:* The Council has no authority over removal of department heads. (Section 340.10)
Proposal: Allow department heads to be removed by the Council in the same method as prescribed for the Board of Appeals in Section 710.
28. *Issue:* The Personnel Board has no representation from the Council among the five members. (Section 540)
Proposal: Change the membership of the five-member Personnel Board to two Executive appointees, two Council appointees and one elected by county employees. The members also should include one representative of non-unionized employees, at-will employees, businesses of less than 100 employees, and the general public.
29. *Issue:* The Personnel Board is required to report annually to the Executive. (Section 540)
Proposal: Require the Personnel Board also to report annually to the Council.

EXECUTIVE

30. *Issue:* The appointment authority for members of the Charter Review Commission is ambiguous. Councilmembers can nominate a representative on the Commission, but the Executive is free to appoint someone else to represent the Councilmember's district. (Section 800)
Proposal: Clarify appointment authority for members of the Charter Review Commission to include both Executive and Council appointees. Each councilmember should designate two representatives, who may or may not live in their council district. In addition, each caucus should appoint two members, and the Executive appoints two members. In the event more commissioners are desired, each Council caucus should nominate two or more members, and the Executive could appoint an equal number from each caucus.

31. *Issue:* Balance of power focused on Executive side. (Article 3)
Proposal: Establish direct reporting responsibility from county agencies to the Council. An alternate concept would be to consider moving from Council-Executive to Council-Manager form of government.
32. *Issue:* The Executive is given the title of chief peace officer, although the sheriff is now separately elected. (Section 320.20)
Proposal: Delete reference to “chief peace officer.”
33. *Issue:* The Executive is required to present an annual statement of the financial and governmental affairs of the county, but that is not frequent enough to respond to any problems or challenges in a timely manner. (Section 320.20)
Proposal: Change the statement requirement to quarterly or semi-annually.
34. *Issue:* The Executive is charged with preparing and presenting to the Council all capital improvement plans, but is not required to use information from other branches of government to develop those plans. (Section 320.20)
Proposal: Require the Executive to prepare capital improvement plans in consultation with King County’s other elected officials and the councilmembers representing the districts involved.

COUNCIL

35. *Issue:* Councilmembers cannot call a special council or committee meeting if they are not the chair, which could prevent continuity of operations in case of an emergency or the incapacity of a chair. (Section 220.30)
Proposal: Give authority to any Councilmember to call a committee meeting, not just to the committee and council chairs.
36. *Issue:* New Council organization confuses line of succession. (Section 680.10)
Proposal: Establish line of succession from chair and vice chair according to seniority by number of years as elected official.
37. *Issue:* The composition of Regional Committees is too specific about what cities are including, and does not include unincorporated areas. (Section 270.30)
Proposal: Make membership on the Regional Committees more proportional to the various parts of the county and more broadly defined, such as urban, rural, and cities of certain sizes, to provide more diverse representation.
38. *Issue:* Boundary lines of elected officials can be changed during redistricting to exclude an elected official for political reasons. (Section 650.30.30)
Proposal: Prohibit boundaries from being redrawn to exclude an elected official from the district they represent or allow them to continue to qualify to be elected if more than 50 percent of their previous district remains. This will help depoliticize the redistricting process.

39. *Issue:* The Charter does not provide for filling any vacancy on the Council temporarily if a Councilmember has been convicted and incarcerated before all appeals have been exhausted. (Section 680)

Proposal: Allow the Council to appoint a temporary replacement to fill in once the Councilmember has been convicted until the appeals are exhausted and the case is settled. The appeals can take years, and citizens should not have to be represented by a convicted felon.

40. *Issue:* The Council is given the authority to fill vacancies of the Executive, Assessor or Sheriff's office if they have failed to designate a deputy, but can be superceded by a subsequent designation. (Section 680.10)

Proposal: Evaluate the best procedures for this provision.

ELECTIONS

41. *Issue:* The referendum exemption clause is overly broad. (Section 230.40)

Proposal: Limit the scope of exemptions from referendum authority.

42. *Issue:* Discrepancy in the percentage of signatures required for initiative (10 percent) and referendum (8 percent). (Section 230.50)

Proposal: Standardize signature requirement to 8 percent so that citizens can more easily make their voices heard.

43. *Issue:* Candidates for public office are required to file itemized statements (C-3 and C-4 forms) with the King County Elections Office, which is a duplication of the documents required by the state Public Disclosure Commission. (Section 420)

Proposal: Delete this provision as long as the forms are filed with the state PDC.

44. *Issue:* When public employees run for public office, they do not have to disclose their employment status. (Section 690)

Proposal: Add requirement to election laws to include employment information about any candidate to inform the public about any potential conflict of interest.